

UNITED STATES DISTRICT COURT

DISTRICT OF RHODE ISLAND

N.E. VERNICOS – ARGONAFIS  
SALVAGE AND TOWAGE  
CONSORTIUM; ARGONAFIS NAFTIKI  
ETAIRIA and FAVOR NAVIGATION CO.  
LIMITED.

Plaintiffs

v.

OCEAN TANKERS PUBLIC HOLDINGS  
COMPANY LIMITED, ADMIBROS  
SHIPMANAGEMENT CO. LIMITED, et al.

Defendants

XIFIAS NAVIGATION LIMITED

Plaintiff,

v.

OCEAN TANKERS PUBLIC HOLDINGS  
COMPANY LIMITED, ADMIBROS  
SHIPMANAGEMENT CO. LIMITED, et al.

Defendants

THE ROYAL BANK OF SCOTLAND, N.V

Intervenor-Plaintiff,

v.

M/T STAVRODROMI, her engines, tackle,  
appurtenances, etc., *in rem*, and  
EASTLAKE MARINE, LTD., *in personam*,

Defendants

(ADMIRALTY)  
Consolidated as  
1:10-cv-00441 (ML) (LDA)

**DECLARATION OF NEIL A. QUARTARO**

1. I am a member of the Bar of the State of New York and am admitted to practice before the United States District Court for the Southern and Eastern Districts of New York. My admission *pro hac vice* is currently pending before this Honorable Court.

2. I am an attorney with the law firm of Watson, Farley & Williams (New York) LLP, counsel for Intervenor Plaintiff THE ROYAL BANK OF SCOTLAND, N.V., (“RBS”) and make this affidavit based upon my knowledge and documents provided to me by Intervenor Plaintiff RBS.

**PRAYER FOR RELIEF TO TEMPORARILY SEAL CASE**

3. Upon information and belief, it is the practice of certain publications, including Tradewinds and Lloyd’s List, to publish stories describing the arrest and detention of ocean going vessels.

4. RBS, which acts as agent for a number of banks and financial institutions (collectively, the “Lenders”) that have lent money to, *inter alia*, Defendant Ocean Tankers Holdings Public Company Limited (“Ocean Tankers”) and WALL SHIPMANAGEMENT S.A. (“Wall Shipmanagement”) has reluctantly intervened in this action in order to protect its security interest in M/T STAVRODROMI (the “Vessel”).

5. This security interest, memorialized by a First Priority Ship Mortgage (annexed to Verified Complaint in Intervention as Exhibit 5) given by Wall Shipmanagement, provides RBS and the Lenders with a preferred mortgage lien over the Vessel.

6. The preferred mortgage lien is superior to the claims of all of the other Plaintiffs in this action, who have alleged only *in personam* claims against Wall Shipmanagement, and is well in excess of the value of the Vessel. Accordingly, the other Plaintiffs in this action have no hope of recovery in light of the assertion of the mortgage by RBS and the Lenders.

7. In asserting the mortgage and filing the Intervening Complaint, it is necessary to provide the underlying documentation for the loan secured by the First Priority Ship Mortgage (together with the other documents annexed to Verified Complaint in

Intervention, the “Security Documents”). The Security Documents contain sensitive and confidential financial information that RBS and Lenders must keep private.

8. Additionally, it is possible that a disproportionately negative view of Defendant Ocean Tankers may be given in the press simply because of the need for a protective filing. The possible result is an impression that RBS and the Lenders are eager to foreclose on the Vessel, which is not the case. This impression could have disastrous consequences, especially in light of the fact that the parties driving this sale have no hope of recovery.

9. Intervenor Plaintiff has filed as exhibits to the Intervening Complaint numerous loan and security documents that should thus be treated in a confidential manner.

10. Intervenor Plaintiff accordingly respectfully requests that the Verified Complaint in Intervention and the Security Documents, as well as any pleadings that reference them, be placed under seal.

11. In the alternative, Intervenor Plaintiff requests that the Court limit the ability of a non-party to access the electronic docket in this matter.

12. Plaintiff further respectfully requests that, for the purposes of Local Rule 102(b)(2), the Court treat this motion as contemporaneous with the filing of the Verified Complaint in Intervention, should the Court grant the Motion to Intervene filed by RBS.

13. This is a narrowly-tailored request to meet Intervenor Plaintiff’s need to keep confidential its reluctant involvement in this matter, which is made necessary only because the attaching Plaintiffs are pushing a judicial sale from which their only recovery will be revenge. In the event that the Court orders the Vessel sold (a public proceeding by definition), or 30 days has passed, the sealed papers can be unsealed or public access to the electronic docket restored, as there will no longer be a need for the protection sought herein.

I declare, under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed on March 7, 2011.

/s/Neil A. Quartaro

Neil A. Quartaro

**CERTIFICATE OF SERVICE**

This hereby certifies that on this 7<sup>th</sup> day of March, 2011 a copy of the foregoing document was electronically filed and is available for viewing and downloading from the ECF system.

Plaintiffs N.E. Vernicos - Argonaftis Salvage and Towage Consortium AND Argonaftis Naftiki Etairia AND Intervenor-Plaintiff Favour Navigation Co., Ltd.:

**George M. Chalos**

Chalos & Co., PC  
123 South Street  
Oyster Bay, NY 11771  
516-714-7300  
Fax: 516-750-9051  
Email: gmc@chaloslaw.com

**George A. Gaitas**

Chalos & Co., PC  
675 Bering Drive  
Suite 275  
Houston, TX 77057  
713-936-2427  
Email: gaitas@chaloslaw.com

**Howard A. Merten**

Partridge, Snow & Hahn LLP  
180 South Main Street  
Providence, RI 02903  
861-8200  
Fax: 861-8210  
Email: hm@psh.com

**Samuel P. Blatchley**

Partridge Snow & Hahn LLP  
180 South Main Street  
Providence, RI 02903  
401-861-8200  
Fax: 401-861-8210  
Email: spb@psh.com

Intervenor Plaintiff Global Companies LLC:

**Carol E. Head**

Bingham McCutchen, LLP

One Federal Street

Boston, MA 02110

617-951-8049

Fax: 617-951-8736

Email: [carol.head@bingham.com](mailto:carol.head@bingham.com)

Consolidated Plaintiffs Xifias Navigation Limited:

**Seth S. Holbrook**

Holbrook & Murphy

238 Lewis Wharf

Boston, MA 02110

617-428-1151

Fax: 617-428-6919

Email: [holbrook\\_murphy@msn.com](mailto:holbrook_murphy@msn.com)

**Gina M. Venezia**

Frehill, Hogan & Mahar, LLP

80 Pine Street

New York, NY 10005-1759

212-425-1900

Fax: 212-425-1901

Email: [venezia@freehill.com](mailto:venezia@freehill.com)

**Peter J. Gutowski**

Freehill, Hogan & Mahar LLP

80 Pine Street

New York, NY 10005-1759

212-425-1900

**Robert J. Murphy**

Holbrook & Murphy

238-240 Lewis Wharf

Boston, MA 02110

617-428-1151

Fax: 617-428-6919

Email: [holbrook\\_murphy@msn.com](mailto:holbrook_murphy@msn.com)

Defendants Ocean Tankers Holdings Public Company Limited, Admibros Shipmanagement Co. Limited, Navkios Maritime Co. Ltd., Eleoussa Maritime Company Limited, Limi Maritime Company Limited, Kalia Maritime Company Limited, Lisa Maritime Company Limited, Marim Maritime Company Limited, Berengaria Maritime Company Limited,

Prodromi Maritime Company Limited, Green Forest Maritime Company Limited, Frachtis Maritime Company Limited, Anefani Maritime Company Limited, Hartzi Maritime Company Limited, Skledros Maritime Company Limited, Stavrodromi Maritime Company Limited, Vasi Maritime Company Limited, Gemi Maritime Company Limited, AND Wall Shipmanagement S.A.:

**Robert E. Collins**

Clinton & Muzyka, P.C.

88 Black Falcon Ave.

Suite 200

Boston, MA 02210

617-723-9165

Fax: 617-720-3489

Email: rcollins@clinmuzyka.com

**Thomas H. Belknap , Jr.**

Blank Rome, LLP

405 Lexington Avenue

New York, NY 10174

212-885-5270

/s/Stephen P. Sheehan